

Attachment 4



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Alexandra Perloff-Giles, Esq.
The New York Times Company
620 8th Avenue
New York, NY 10018
aperloffgiles@nytimes.com

Re: Appeal No. DOJ-AP-2020-000123
Request No. 2019-05665
CDT:CCG

VIA: Email

Dear Alexandra Perloff-Giles:

You appealed from the action of the Federal Bureau of Prisons (BOP) on your Freedom of Information Act request for access to records concerning specific documents related to Jeffery Epstein and his death at Metropolitan Correctional Center on August 10, 2019. I note that your appeal concerns the withholdings made by BOP.

After carefully considering your appeal, I am affirming, on partly modified grounds, BOP's action on your request. The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. BOP properly withheld this information in full because it is protected from disclosure under the FOIA pursuant to 5 U.S.C. § 552(b)(7)(A) and it is reasonably foreseeable that disclosure of this information would harm the interests protected by this provision. This provision concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to interfere with enforcement proceedings.¹

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the BOP in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

¹ Please be advised that since this Office determined that records responsive to your request were properly withheld in full under Exemption 7(A), this Office did not adjudicate the applicability other exemptions cited.

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For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

3/5/2020

X 

Matthew W. Hurd

Acting Chief, Administrative Appeals Staff

Signed by: MATTHEW HURD